

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 58039 of 2021**

Arising Out of PS. Case No.-239 Year-2021 Thana- BODHGAYA District- Gaya

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DIPAK KUMAR @ DIPAK SINGH S/o DINESH SINGH R/o VILLAGE-
SURYAPURA, P.S-BODHGAYA, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr Ajit Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner apprehends arrest in Bodh Gaya Police Station (for brevity, *PS*) Case No 239 of 2021 dated 17.07.2021 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 353, 333, 337, 338, 427, 504 and 506 of Indian Penal Code.

To pacify a quarrel, which has taken place between two groups, the police personnel have gone to the place and have been met with brick batting by the quarreling groups.

Learned counsel for the petitioner submits that the petitioner has no concern with the groups, which were



quarreling. It is submitted that 5 named and 10 – 15 unnamed persons have been made accused from both sides, based on statements of villagers and local *chaukidar*. The implication inspires no confidence whatsoever and is based on suspicion arising out of the antecedent of the petitioner in Magadh Medical PS Case No 195 of 2021 in which he is already in custody. In the instant case, other than statement of villagers and local *chaukidar*, there is no material to connect the petitioner with the alleged occurrence.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in Bodh Gaya PS Case No 239 of 2021 dated 17.07.2021 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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